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Chair: Mr. Tommo Monthe ..... (Cameroon)

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The meeting was called to order at 3.05 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/65/336)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.46/Rev.1: Combating defamation of religions

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Bouhamidi** (Morocco), introducing draft resolution A/C.3/65/L.46/Rev.1 on behalf of the Organization of the Islamic Conference (OIC) and speaking in Morocco's capacity as Chair of the OIC working committee on human rights and humanitarian affairs, said that Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) had joined the sponsors. The sponsors had noted with growing concern an increasing trend to erosion of the international human rights legal framework. Priority was being given to some fundamental rights rather than others, leading to justification and even legitimization of practices that incited racial and religious hatred and acts of discrimination and violence. A non-discriminatory approach based on respect and tolerance for diverse views, beliefs and religious sensitivities was key to preserving the multicultural fabric of the international order. The draft resolution was being presented once again in order to address that issue comprehensively and to respond to emerging calls in reports by many senior United Nations officials, including the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other stakeholders, to combat the increasing trend of defamation of religions.

3. The draft resolution did not detract from the mandates of the special rapporteurs but rather enriched and complemented them. The sponsors had added a provision to the previous year's text to invoke the notion of rights and responsibilities, and the promotion and protection of fundamental rights, defending the rights of all to freedom from racial or religious discrimination. The OIC group had conducted extensive consultations, adopting a flexible and constructive approach of transparent and open dialogue with all delegations and groups. An array of amendments had been introduced to address the concerns of all partners. The scope of the text had been broadened to address all religions by adding a new reference to Islamophobia, Judeaophobia and Christianophobia, removing one reference to Muslim minorities and adding a reference to religious minorities, changing the word "defamation" to "vilification", adding a reference to article 27 of the International Covenant on Civil and Political Rights and emphasizing the international obligations of Member States in accordance with international law and international human rights instruments. A consensus on the resolution would provide impetus and strengthen collective efforts in the fight against all forms of racial and religious intolerance, discrimination and violence.

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Draft resolution A/C.3/65/L.20/Rev.1: Trafficking in women and girls

4. **The Chair** said that the draft resolution had no programme budget implications.

5. **Ms. Hernando** (Philippines), introducing draft resolution A/C.3/65/L.20/Rev.1, said that Argentina, Australia, Iceland, Serbia and Venezuela (Bolivarian Republic of) had joined the sponsors. The text of the resolution was the product of extensive negotiations and represented the broadest possible consensus.

6. **The Secretary** said that Albania, Angola, Armenia, Bangladesh, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Cape Verde, the Comoros, the Congo, Côte d'Ivoire, Croatia, Ecuador, Ethiopia, the Gambia, Grenada, Guatemala, India, Italy, Jordan, Kenya, Lebanon, Lesotho, Liberia, Malawi, Maldives, Mali, Mexico, Monaco, Montenegro, Namibia, Nicaragua, the Niger, Norway, Papua New Guinea, Peru, the Republic of Korea, the Republic of Moldova, Rwanda, San Marino, Senegal, Seychelles, Sierra Leone, the Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

7. *Draft resolution A/C.3/65/L.20/Rev.1 was adopted.*

8. **Ms. Alsaleh** (Syrian Arab Republic) said that her delegation aligned itself with the consensus on draft resolution A/C.3/65/L.20/Rev.1. Her Government made every effort to eradicate all trafficking in persons and contributed effectively to regional and international efforts aimed at combating trafficking in persons, particularly women and girls.

9. Her delegation was disappointed at the lack of response to its concerns, especially regarding paragraph 6, in which her delegation had sought to include a reference to complex emergencies, especially as mention was made of natural disaster and post-conflict reconstruction. She wondered how Member States could call upon the United Nations system to mainstream, as appropriate, the issue of trafficking in persons, especially women and girls, into its broader policies and programmes aimed at addressing economic and social development, human rights, the rule of law, good governance, education, health, natural disasters and post-conflict reconstruction, without addressing complex emergencies. Such emergencies provided fertile ground for the emergence and growth of human trafficking and made it possible for the perpetrators and organizers of those crimes to act with impunity.

10. Her delegation would continue its efforts to mainstream the fundamental causes of and contributory factors to the emergence and growth of trafficking, especially as the presence of foreign occupation and cases of complex emergency had caused her region to be affected by trafficking. She hoped that, in future, equal attention would be paid to the concerns of all delegations.

11. **Ms. Hernando** (Philippines) said that the sponsors' goal had been to address the problem of trafficking and that the concern raised by the Syrian delegation had been adequately addressed in another paragraph of the resolution. The practice of some delegations of making proposals at the eleventh hour was a cause of concern, as it disrupted the negotiation process.

12. **The Chair**, in accordance with General Assembly decision 55/488, proposed that the Committee should take note of the following documents: Report of the Committee on the Elimination of Discrimination against Women on its forty-fourth and forty-fifth sessions (A/65/38); and Note by the Secretary-General transmitting the report on the activities of the United Nations Development Fund for Women (A/65/218).

13. *It was so decided.*

Agenda item 67: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/65/L.52: The right of the Palestinian people to self-determination

14. **The Chair** said that the draft resolution had no programme budget implications.

15. **Mr. Selim** (Egypt), introducing draft resolution A/C.3/65/L.52, said that Antigua and Barbuda, Barbados, Brazil, Bulgaria, Burkina Faso, Costa Rica, Dominica, Gabon, Gambia, Liberia, Malawi, Nigeria, Rwanda, San Marino and Ukraine had joined the sponsors. The inalienable right to self-determination was enshrined in international law and international human rights instruments. It was not a gift to be bestowed by the international community on peoples living under colonialism and foreign occupation. Adoption of the draft resolution by consensus would send a strong positive message of solidarity to the Palestinian people and would surely contribute to the ultimate realization of their long-overdue right to self-determination and the establishment of their independent, sovereign and viable State of Palestine, with East Jerusalem as its capital.

16. **Mr. Gustafik** (Secretary of the Committee) said that Bosnia and Herzegovina, Egypt, Liechtenstein, Lithuania, Spain and Sweden had joined the sponsors.

17. **Ms. Furman** (Israel), speaking in explanation of vote before the vote, said that in 2009, the new Prime Minister of Israel had spoken of his vision of peace, with two free peoples living side by side in that small land, with good neighbourly relations and mutual respect, each with its flag, anthem and Government, with neither one threatening its neighbour's security or existence. The Prime Minister's offer to meet at any time and in any place to discuss peace was still valid.

18. Israel would vote against the resolution because real progress towards the self-determination of the Palestinian people would come not from one-sided political resolutions but through direct bilateral negotiations. Israel continued to call on the Palestinian leadership to return to negotiations without preconditions. The road to peace was not an easy one,

but peace could certainly not be achieved until the two sides sat down to talk.

19. The draft resolution called for the unity of the Palestinian territories, but failed to address the fact that Hamas terrorists had violently seized control of the Gaza Strip, separating it administratively from the West Bank. Furthermore, the resolution failed to place any responsibility on the Palestinians to respect the safety and security of the State of Israel. Thousands of rockets and mortars had been launched against Israel in recent years, and during the previous weekend, another seven mortars and one long-range rocket had been fired from the Gaza Strip. Real peace should be based on security, mutual recognition and mutual respect, in order to ensure prosperity for the two peoples.

20. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/65/L.52.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Cameroon, Canada, Democratic Republic of the Congo.

21. *Draft resolution A/C.3/65/L.52 was adopted by 174 votes to 5, with 3 abstentions.*

22. **Mr. Díaz Bartolomé** (Argentina) said that his delegation welcomed the adoption of the draft resolution and had also welcomed the adoption of draft resolution A/C.3/65/L.51 on the right to self-determination of peoples that were still under colonial domination or foreign occupation. The right to self-determination should be interpreted in accordance with the purposes and principles of the Charter of the United Nations, General Assembly resolutions 1514 (XV) and 2625 (XXV) and other relevant United Nations resolutions.

23. The exercise of the right to self-determination presupposed that there was an active subject in the form of a people subject to alien subjugation, domination and exploitation, as defined in paragraph 1 of General Assembly resolution 1514 (XV). Without such a subject, there was no right to self-determination. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had been unlawfully occupied by the United Kingdom, which had expelled the Argentine population and authorities in order to install its own population there. Therefore, it was not the right to self-determination, but rather the other important principle of decolonization, territorial integrity, that should apply.

24. All of the relevant resolutions of the General Assembly and of the Special Committee on decolonization had highlighted the special and particular colonial situation of the Malvinas Islands, recognizing the existence of a sovereignty dispute between Argentina and the United Kingdom and noting that the way to resolve that dispute was through the resumption of bilateral negotiations with a view to finding a just, peaceful and lasting solution as soon as possible, taking into account the interests of the islanders.

25. **Mr. Lomax** (United Kingdom), speaking in exercise of the right of reply, said that the United Kingdom had no doubt concerning its sovereignty over the Falkland Islands. No negotiations would be held on that subject unless and until such time as the islanders themselves so desired. The British Government attached great importance to the principle of self-determination, as set out in Article 1.2 of the Charter and article 1 of the International Covenant on Civil and Political Rights. That principle underlined his Government's position on the Falkland Islands.

26. The United Kingdom's relationship with all its overseas territories was a modern one, based on partnership, shared values, and the right of each territory, including the Falkland Islands, to determine whether it wished to retain a link to the United Kingdom. During the debate of the Special Committee on decolonization in the current session, the democratically elected representatives of the Falkland Islands had once again asked the Committee to recognize their right to exercise their right to self-determination. They had reiterated that the Falkland Islands had no indigenous people and that no civilian population had been removed prior to their people settling on the Islands over eight generations previously. They were and had been the only people living in the Falkland Islands and they did not wish for any change in the status of the Falkland Islands.

27. **Ms. Rasheed** (Observer for Palestine) said that the brutal denial of the Palestinian people's right to self-determination was the cause of their suffering and of the problems faced by the Middle East region as a whole. The international community's continuous affirmation of that right was critical. The resolution could only promote peace and should not be seen as contrary to the peace efforts, but as complementary and necessary. The right to self-determination was not a permanent status issue or an issue for negotiation, but an inalienable right of all peoples. Israel's negative vote had sent the message that it rejected the creation of a Palestinian State and the vision of two States living side by side in peace and security. By opposing the Palestinian people's right to self-determination, Israel was violating the crux of the agreements, namely mutual recognition between the two sides. It was not possible to recognize the Palestinian people and their rights and yet refuse that people the right to self-determination.

28. The two-State solution for peace was seriously undermined by the continuation of illegal Israeli policies and practices. The continued colonization of Palestinian land, through the illegal settlement campaign and the unlawful construction of an expansionist wall in the occupied Palestinian territory, was seriously undermining the Palestinian people's right to self-determination and the possibility of realizing the two-State solution. Those activities were the true threat to a peaceful settlement.

29. The 174 votes in favour and the 135 sponsors of the draft resolution illustrated the fact that the Israeli representative's statement was merely an attempt by the occupying Power to distort the context of the occupation. Any solution for peace in the Middle East had to recognize and guarantee the basic rights of both peoples. Recognizing the Palestinian people's right to self-determination, including their right to an independent State of Palestine, was clearly a first step in that direction. The Palestinian people would not surrender that right under any circumstances and would continue their efforts until an independent Palestinian State, with East Jerusalem as its capital, was not just a dream or an aspiration, but a Palestinian reality.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/65/336)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.32/Rev.1: Elimination of all forms of intolerance and of discrimination based on religion or belief

30. **Mr. Nihoa** (Belgium), speaking on behalf of the sponsors of the draft resolution, said that they stressed the paramount importance of the right to freedom of religion and belief, and were deeply concerned over the

rise in instances of intolerance and violence against religious communities and minorities. They also welcomed the adoption by consensus of many relevant General Assembly resolutions.

31. In order to obtain the desired consensus, the sponsors had unfortunately not been able to state in the resolution that the freedom of religion and belief must also include the right to change or abandon one's religion or belief. They would also have preferred to be more specific about stressing the importance of anti-discrimination legislation to combat religious intolerance.

32. In order to achieve consensus, the following oral amendments had been proposed. After paragraph 10, a new paragraph 10 bis should be inserted which would then become paragraph 11, and all subsequent paragraphs would be renumbered accordingly. That new paragraph was the text of paragraph 6 from the consensus Human Rights Council resolution 14/11 "Freedom of Religion and Belief: Mandate of the Special Rapporteur" and which read:

> *Expresses concern* at the continued existence of instances of religious intolerance, as well as emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:
>
> (a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;
>
> (b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;
>
> (c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance on the dignity and lives of members of communities holding spiritual or religious beliefs;
>
> (d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights, as well as other international documents;
>
> (e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction.

33. Preambular paragraph 9 and paragraph 10 (h) had been deleted from L.32/Rev.1 since they had become redundant with the insertion of the new paragraph. In view of subparagraph 9 (e) of the new paragraph, the words "at constitutional and legal systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction" had been deleted. Preambular paragraph 10 in its final form would thus read: "Concerned at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and at the implementation of existing laws in a discriminatory manner,".

34. The European Union hoped that the Committee would adopt draft resolution L.32/Rev.1, as orally revised, without a vote.

35. **Mr. Gustafik** (Secretary of the Committee) said that Bolivia (Plurinational State of), Cape Verde, Côte d'Ivoire, Ecuador, India, New Zealand, Paraguay, Philippines, United Republic of Tanzania, Turkey and Uruguay had joined the sponsors.

36. **Ms. Bouhamidi** (Morocco), speaking on behalf of the Organization of the Islamic Conference (OIC) in explanation of position, said that the OIC opposed all forms of intolerance and discrimination based on religion or belief. It condemned in the strongest possible terms all acts of violence falsely claimed by their perpetrators to be in the name of religion, and firmly believed that all world religions shared the same message of peace, respect for others and reverence for the sanctity of life. In that context, the OIC reaffirmed that terrorism must not be associated with any religion, nationality, civilization or ethnic group. It had consistently supported the mandate of the Special Rapporteur on freedom of religion or belief, and had no fundamental problems with the general thrust of the draft resolution.

37. Despite the compromises made during the negotiation process, the Organization of the Islamic Conference still had concerns on some important

issues, including respect for national laws and religious norms about the right to change one's religion. While emphasizing the importance of freedom of expression, the OIC also considered that in some cases religious intolerance resulted from its misuse. Further, while acknowledging the important role of media in combating religious intolerance, it emphasized the importance of working with media organizations to promote tolerance and understanding of religions, cultural diversity and multiculturalism.

38. The OIC was of the view that people were not inherently vulnerable but were made vulnerable due to their social and political contexts. It therefore understood the reference in the text of the draft resolution to vulnerable individuals to be strictly confined to women, children, peoples living under foreign occupation, refugees, asylum-seekers and internally displaced persons, migrants, persons deprived of their liberty and persons belonging to national, ethnic, religious or linguistic minorities, with regard to their ability to exercise freely their right to freedom of religion or belief.

39. It also understood the freedom to adopt a religion or belief of one's choice and the freedom to manifest religion or belief in teaching, practice, worship and observance to be applicable both to the individual and the religious community to which the individual belonged. Thus, defamation of religion was a serious threat to that freedom, as it could lead to the illicit restriction of the freedom of religion, incitement to religious hatred and violence, social disharmony and violations of human rights.

40. Despite divergence on those issues, however, the OIC had decided to join the consensus on the draft resolution.

41. **Mr. Mashabane** (South Africa), speaking in explanation of position, said that the draft resolution posed major challenges to his delegation, in that it did not address all the pertinent elements of the issue of freedom of religion or belief, in particular contemporary manifestations associated with violations in that context. South Africa believed in the exercise of the right to freedom of opinion and expression as understood in international human rights law and enshrined in its Constitution. A delicate balance must be maintained, however, in the exercise of that right and the right to freedom of religion or belief as understood in articles 19 and 20 of the International Covenant on Civil and Political Rights.

42. The absence of language in the text stating that acts of incitement to religious hatred should be punishable by law could only lead to resolutions that flouted the provisions of international human rights law. Further, it was inconceivable that the text could be silent on the role of media in incitement to religious hatred. The international human rights system must strive at all times to provide maximum remedies for victims, eliminate impunity and maintain the delicate balance between the exercise of the right of freedom of religion or belief and the right to freedom of opinion and expression. His delegation therefore dissociated itself from the text of the draft resolution.

43. *Draft resolution A/C.3/65/L.32/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/65/L.41/Rev.1: The right to development

44. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

45. **Ms. Astiasaran Arias** (Cuba) said that her delegation was introducing the draft resolution in its capacity as coordinator of the Working Group on Human Rights of the Movement of Non-Aligned Countries. The Movement attached great importance to the right to development and urged all States to formulate policies and programmes at the national level for its realization. The text of the current draft resolution highlighted in particular the commemoration in 2011 of the twenty-fifth anniversary of the Declaration on the Right to Development. The language of the draft resolution had been revised to reflect that of Human Rights Council resolution 15/25, adopted in October 2010.

46. **Mr. Selim** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that those countries strongly believed that the full realization of the right to development was among rights fundamental to promoting a culture of peace and friendly relations among nations, as set out in the Charter of the United Nations. Further, they believed that democracy and good governance, development and respect for all human rights and fundamental freedoms, in particular the right to development, were interdependent and mutually reinforcing. Noting the

interdependence of nations and the varying levels of human development worldwide, the Heads of State and Government of the Movement had reaffirmed the need for a new global order aimed at reversing the growing disparities between rich and poor through poverty eradication, full and productive employment, decent work and social integration.

47. Accordingly, it urged all States to undertake at the national level the necessary policy measures required for the implementation of the right to development. At the same time, it urged the United Nations human rights machinery to ensure the operationalization of the right to development as a priority, including the elaboration of a convention on the right to development. That right should also be mainstreamed in the policies and operational activities of United Nations specialized agencies, funds and programmes, as well as in the international financial and multilateral trading systems.

48. The draft resolution was a genuine attempt to fulfil the aspirations of all peoples for development and prosperity, and it was regrettable that the text would be put to a vote. It was to be hoped that, with more interest and determination, consensus could be achieved in the future.

49. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that his Government had announced a new global development policy, which placed a premium on broad-based economic growth, democratic governance, innovation and sustainable systems for meeting basic human needs. It recognized development as a long-term proposition and that progress depended to a great extent on policies chosen and the quality of institutions in developing countries.

50. The objectives of that policy aligned closely with the broader thrust of the draft resolution on the right to development. His delegation regretted, however, that it must call for a vote, as it did not believe that the text reflected consensus on the best way to achieve the shared commitment to development. In particular, it did not consider it appropriate as stated in paragraph 8 of the draft resolution, for any criteria related to the right to development to evolve into a basis for consideration of an international legal standard of a binding nature. His delegation would therefore vote against the draft resolution.

51. **Ms. Sunderland** (Canada) said that Canada supported the concept of the right to development, with the individual at its core as both the main participant and beneficiary of development. In the view of her delegation the right to development was an important bridge between all human rights. It was the primary responsibility of States to ensure the fulfilment of that right.

52. Canada had supported the 1986 Declaration on the Right to Development and had been actively engaged in discussions on that topic ever since, including in the Working Group on the right to development, which it viewed as a useful forum to help build consensus on the difficult and sometimes divisive issues surrounding that right.

53. Her delegation was concerned that the draft resolution would undercut and weaken the spirit of consensus that had been building recently. It also had serious concerns regarding a legally binding instrument on the right to development. There was currently no international consensus on the consideration of that option. In the view of her delegation, it would be better to focus on development and sharing of best practices and strengthening existing initiatives rather than seeking to create new legal obligations.

54. As the twenty-fifth anniversary of the Declaration approached, Canada hoped for constructive dialogue and compromise on the challenges being faced. However, for the reasons outlined, her delegation would vote against the draft resolution.

55. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.41/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras,

India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, New Zealand, Poland, Republic of Korea, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Austria, Croatia, Cyprus, Finland, France, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, Norway, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

56. *Draft resolution A/C.3/65/L.41/Rev.1 was adopted by 130 votes to 22, with 28 abstentions.*

57. **Ms. Fontana** (Switzerland), speaking in explanation of vote, said that her delegation had voted against the draft resolution because of the wording of paragraph 8, which did not match the wording of the resolution on that topic adopted in the Human Rights Council. Her delegation therefore regretted that it must distance itself from the current text. It regretted the lack of true negotiation on the text and hoped that a more inclusive approach would be taken in the future.

58. **Mr. Burnlat** (Belgium), speaking on behalf of the European Union in explanation of vote, said that the European Union believed that the right to development was an integral part of fundamental human rights and that a lack of development could not be invoked to justify the abrogation of internationally recognized rights. It would continue to play an active role in implementation of the right to development; for a number of years the European Union had been the largest provider of development aid. Nevertheless, it stressed that it was the primary responsibility of States to create the conditions for the realization of the right to development, while acknowledging that national development efforts must be supported by an enabling international economic environment.

59. The definition of the right to development was still changing and remained ambiguous. Therefore it was the understanding of the European Union that the work of the Working Group on the right to development did not imply a process leading to a binding international legal standard. It had actively supported resolutions on the right to development both in the General Assembly and the Human Rights Council when they had been drafted with a truly constructive and balanced approach. However, it was the view of the European Union that the draft resolution did not accurately reflect the work of the Working Group. The fulfilment of the right to development must evolve on the basis of consensus, avoiding politicization and built on the promotion and respect for civil, political, economic, social and cultural rights.

60. The European Union reiterated its suggestion that the Movement of Non-Aligned Countries should consider a procedural resolution on the right to development in the General Assembly in order to keep the focus on the right to development in Geneva, where the High Commissioner for Human Rights had presented a report on the topic to the past session of the Human Rights Council.

Draft resolution A/C.3/65/L.42/Rev.1: The right to food

61. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

62. **Ms. Astiasaran Arias** (Cuba) said that despite the fact that the right to food had been recognized in international human rights instruments, over 1 billion people around the world, mostly in developing countries, still suffered from hunger. The text of the draft resolution also emphasized that without an enabling international economic environment, that right could not be realized.

63. Since the introduction of the draft resolution, the following countries had joined the sponsors: Armenia, Australia, Barbados, Botswana, Burundi, Cameroon, Côte d'Ivoire, Egypt, Ghana, India, Jamaica, Kuwait, Kyrgyzstan, Lesotho, Liberia, Madagascar, Mali, Qatar, Saint Kitts and Nevis, Saint Lucia, Sri Lanka, Swaziland, Tajikistan, Togo, Trinidad and Tobago and Zimbabwe.

64. During the informal consultations, the following delegations had also joined the sponsors: Austria, Belgium, Croatia, Cyprus, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxemburg, Malta, Mexico, Mongolia, Netherlands, Norway, Philippines, Portugal, Romania, Serbia, Slovenia, Spain, Tunisia, Turkey, Tuvalu and United Kingdom.

65. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Bosnia and Herzegovina, Brazil, Burkina Faso, Liechtenstein, Monaco, Montenegro, Republic of Moldova, Nauru, Rwanda, San Marino, the former Yugoslav Republic of Macedonia and Ukraine had also indicated that they wished to join the sponsors.

66. *Draft resolution A/C.3/65/L.42/Rev.1 was adopted.*

67. **Ms. Melon** (Argentina) said that her Government was deeply concerned at the global situation of food insecurity. It attached great importance to all regional and multilateral initiatives to address that issue, and, as a member of the Food Security Committee of the Food and Agriculture Organization of the United Nations (FAO), had contributed to its reform.

68. Nevertheless, her Government would continue to fight the extortionate agricultural and trade policies of the developed countries that had led to disinvestment in the agricultural sectors of developing countries. It did not share the view that the concept of food sovereignty should replace food security. Trade policies should be adjusted to reflect the necessary reforms of the rules of international trade and the General Assembly should look at the relationship between extortionate trade policies and agricultural subsidies, which led to imbalances in global agriculture.

69. **Mr. Sammis** (United States of America) said that improving global food security was among the key foreign policy objectives of his Government. It had strongly supported the adoption of the Rome Principles on food security adopted at the 2009 World Food Summit, and was committed to accelerating progress on Millennium Development Goal 1 — halving extreme poverty by 2015 — by investing in country plans to boost agricultural development.

70. The United States of America was not a party to the International Covenant on Economic, Social and Cultural Rights, and by joining consensus on the draft resolution, did not recognize any change in current conventional or customary international law regarding rights related to food. It interpreted the references in the draft resolution to the right to food, with respect to States parties to that Covenant, in the light of its article 2, paragraph 1, and its references to the obligations of Member States regarding the right to food as applicable to the extent that they had assumed such obligations. While the United States had for the past decade been the world's largest food aid donor, it did not concur with any reading of the resolution that would suggest the States had particular extraterritorial obligations arising from the right to food.

71. The United States was committed to international trade liberalization and to the conclusion of the Doha Round of trade negotiations. Opening markets through such trade agreements could generate the economic growth necessary to spur development. At the same time, the draft resolution would in no way undermine or modify the commitments of the United States or any other Government to existing trade agreements or ongoing negotiations.

72. Similarly, he reiterated the view that the implementation of the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) supported comprehensive approaches to food security by encouraging policies that enabled countries to use tools and incentives, including biotechnology, that increased agricultural productivity. By joining the consensus on the draft resolution, it supported continued implementation of the TRIPS Agreement, which provided for patent and plant variety protection

systems of benefit for researchers, producers, consumers and society.

73. **Mr. Burniat** (Belgium), speaking on behalf of the European Union, as well as Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, the Republic of Moldova and Ukraine, said that the European Union continued to believe that a human rights-based approach was vital to ensure adequate priority for food security and poverty eradication. It was the primary responsibility of States, individually and through international cooperation, to meet the vital food needs of their people. Good governance and the enjoyment of the full range of civil, cultural, economic, political and social rights were all critical in ensuring food security on a sustainable basis. The European Union therefore believed that a human rights perspective, especially women's rights, should be mainstreamed in national strategies for the realization of the right to adequate food.

74. Referring to paragraph 15 of the draft resolution and the concept of "food sovereignty", he said that the European Union supported a rules-based international trading system and accepted the idea of differentiated treatment of developing countries, but not the idea that States could implement any policy that conflicted with the rules-based international system. It believed that, in taking a rights-based approach, the emphasis should also be on strengthening entitlements and not only on promoting food production.

Draft resolution A/C.3/65/L.43/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

75. **Mr. De Leon Huerta** (Mexico) said that, since the introduction of the draft resolution, Andorra, Belarus, Italy, Japan, Lithuania, Netherlands, Russian Federation and San Marino had joined the sponsors.

76. Following consultations, a number of oral revisions to the text had been made. In the seventh preambular paragraph, the sixth line, the words "and enhancing" should be deleted. In paragraph 13, the fourth line, the rest of the sentence after "as the fundamental basis of the fight against terrorism" should be deleted. A new paragraph 13bis should be included, which read: "Call upon the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;". In paragraph 14, the fifth line, the word "each" should be deleted; "the" should be inserted before "working group", which should be made plural. In the last line, "its" should be replaced by "their". Lastly, in paragraph 19, the fifth line, the phrase "including on good practices concerning measures adopted in this regard" should be deleted.

77. **The Chair** said that he had been advised that the draft resolution as orally revised contained no programme budget implications.

78. **Mr. Gustafik** (Secretary of the Committee) said that Angola, Canada, Cape Verde, Egypt, India and Ukraine had joined the sponsors.

79. *Draft resolution A/C.3/65/L.43/Rev.1, as orally revised, was adopted.*

The meeting rose at 5.20 p.m.